

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

HAFIZ DURBIN,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
CITY OF PHILADELPHIA, ET AL.,	:	NO. 12:21-cv-04954-GJP
	:	
Defendants.	:	

ORDER

AND NOW, to wit, on this _____ day of _____, 2023, it is ORDERED AND DECREED that the Defendant City of Philadelphia's Motion to Enforce Settlement is GRANTED as follows:

1. Plaintiff shall execute the Release provided by Defendant City of Philadelphia and shall deliver the Release to the City of Philadelphia Law Department within ten (10) days of the date of this Order.

2. Having granted the Defendant City of Philadelphia's Motion to Enforce Settlement, this case is DISMISSED WITH PREJUDICE pursuant to Local R. Civ. P. 41.1(b).

BY THE COURT:

Gerald J. Pappert, U.S.D.J.

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	:	
Defendants.	:	

MOTION TO ENFORCE SETTLEMENT OF THIS MATTER

To the Honorable Gerald J. Pappert:

Defendant City of Philadelphia, by and through its undersigned counsel, moves to enforce the settlement of this case, and in support hereof represents:

1. On September 12, 2022, Defendant City of Philadelphia accepted a global demand of \$90,000.00 to settle several *Stanley Davis* cases being handled by Michael Pileggi, Esquire, including the instant case filed by Hafiz Durbin. (See September 12, 2022 email from Attorney Hubbard to Michael Pileggi, Esquire, attached hereto and made a part hereof as Exhibit A.)

2. The acceptance of the demand was contingent upon settlement of **all** claims asserted by plaintiffs represented by Michael Pileggi, Esquire, including claims against Stanley Davis, Jr. (See *id.*)

3. In reliance upon Mr. Pileggi's representation that this and the other cases under the global settlement are settled, Mr. Hubbard sent a letter and release to Mr. Pileggi on October 3, 2022. (See Exhibit B, attached hereto and made a part hereof, Release Letter and General Release.)

4. The release in exchange for \$10,000.00 for Mr. Durbin constitutes a portion of the \$90,000.00 global settlement.

5. Despite several attempts at getting the release signed and returned to Mr. Hubbard so the settlement can be processed, to this date Mr. Pileggi's client has not complied, and it is Mr. Hubbard's understanding that Mr. Durbin refuses to sign the release.

6. In reliance upon Mr. Pileggi's representation that all his cases against the City defendants and Stanley Davis, Jr. were settled, Mr. Hubbard has considered the cases closed.

7. In the meantime, Mr. Davis, understandably concerned about this and two other *Stanley Davis* cases appearing active on the docket that are Mr. Pileggi's cases, has filed a *mandamus* action in state court, seeking an order from the Court of Common Pleas in Philadelphia County directing the City of Philadelphia and City Solicitor Diana Cortes to provide Stanley Davis with counsel and pay the costs in his defense against this and other *Stanley Davis* cases. (See Exhibit C, attached hereto and made a part hereof, Complaint in Mandamus, Phila. Ct. Cm. Pl. Dkt. No. 220900849.)

8. The defendant hereby respectfully requests Your Honor to Order the plaintiff to deliver an executed release to Matthew K. Hubbard, Esquire within ten (10) days of the date of the Order.

9. The Defendant City of Philadelphia further requests Your Honor to dismiss this action with prejudice pursuant to Local R. Civ. P. 41.1(b) as this case has settled.

WHEREFORE, Defendant City of Philadelphia respectfully requests that this Motion to Enforce Settlement be granted.

Respectfully submitted,

Dated: April 10, 2023

/s/ Matthew K. Hubbard

Matthew Kevin Hubbard
Senior Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the Defendant City of Philadelphia's Motion to Enforce Settlement was filed via ECF and is available for viewing and downloading via the ECF system. I further certify that I emailed a copy of same to Stanley Davis, Jr. at DavisJrStan11@gmail.com.

DATED: April 10, 2023

By: /s/ Matthew K. Hubbard
Matthew Kevin Hubbard
Senior Attorney